

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BETTE M. GROSSMAN, on Behalf of Herself and
All Others Similarly Situated,

Plaintiff,

vs.

OPPENHEIMER & CO. INC, FREEDOM
INVESTMENTS INC., OPPENHEIMER ASSET
MANAGEMENT and OPPENHEIMER
HOLDINGS INC.,

Defendants.

CLASS ACTION

Civil Action No. 08 CV 3528 (LAP)

DAVID T. VINING, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

OPPENHEIMER HOLDINGS INC.,
OPPENHEIMER & CO. INC. and
OPPENHEIMER ASSET MANAGEMENT INC.

Defendants.

CLASS ACTION

Civil Action No. 08 CV 4435 (LAP)

**NOTICE OF MOTION OF THE GROSSMAN GROUP FOR
CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND
APPROVAL OF SELECTION OF LEAD COUNSEL**

PLEASE TAKE NOTICE that Bette M. Grossman, and Kathleen Hnath and Charlene Stephens on behalf of the Nicholas Hnath Trust (collectively the “Grossman Group or “Movants”), by their counsel, will hereby move this Court on a date and at such time as may be designated by the Court, at 500 Pearl Street, New York, New York for an Order: (i) consolidating the above-captioned actions, *Grossman v. Oppenheimer & Co. Inc. et al.*, 08-cv-3528 (S.D.N.Y.) with *Vining v. Oppenheimer Holdings Inc., et al.*, Case No. 08-cv-4435 (S.D.N.Y.), for all purposes pursuant to Fed. R. Civ. P. 42(a); (ii) appointing Movants as Lead Plaintiffs in the consolidated action pursuant to the Private Securities Litigation Reform Act of 1995; and (iii) approving Movants’ selection of the law firms of Stull, Stull & Brody and Weiss & Lurie to serve as Co-Lead Counsel. In support of this Motion, Movants submit herewith a Memorandum of Law, a [Proposed] Order, and the Declaration of Jason D’Agnenica dated June 10, 2008.

Dated: June 10, 2008

Respectfully submitted,

STULL, STULL & BRODY

By: /s/ Jason D’Agnenica
Jules Brody (JB-9151)
Aaron Brody (AB-5850)
Jason D’Agnenica (JD-9340)
6 East 45th Street
New York, New York 10017
Tel: (212) 687-7230

WEISS & LURIE

Jordan L. Lurie
10940 Wilshire Blvd.
Suite 2300
Los Angeles, California 90024
Tel: (310) 208-2800

Proposed Co-Lead Counsel

CERTIFICATE OF SERVICE

I, Jason D'Agnenica, hereby certify that on June 10, 2008, I filed and served the foregoing document with the Clerk of the Court via CM/ECF in accordance with the Federal Rules of Civil Procedure and the Southern District's Rules on Electronic Service upon the following counsel of record in the action:

Scott Arthur Eggers
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Counsel for David T. Vining

Dated: June 10, 2008

/s/ Jason D'Agnenica
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6 East 45th Street
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Tel: (212) 687-7230

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Defendants.

CLASS ACTION

Civil Action No. 08 CV 4435 (LAP)

**[PROPOSED] ORDER GRANTING MOTION OF THE GROSSMAN GROUP FOR
CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND
APPROVAL OF SELECTION OF LEAD COUNSEL**

This Court, having considered the motion of Bette. M. Grossman, and Kathleen Hnath and Charlene Stephens on behalf of the Nicholas Hnath Trust (the "Grossman Group" or "Movants"), for consolidation, appointment as lead plaintiff and approval of selection of lead counsel and the Memorandum of Law and Declaration of Jason D'Agnew in support thereof, and good cause appearing therefor, hereby makes the following order:

1. All actions identified in the captions above and any other related actions which have been or will be filed against Oppenheimer Holdings Inc. and the additional defendants named in the above captioned actions for violations of the Securities Exchange Act of 1934 (the "Exchange Act") shall be hereby consolidated pursuant to Fed. R. Civ. P. 42(a).

2. The caption of these consolidated class actions shall be "IN RE OPPENHEIMER HOLDINGS INC. AUCTION RATE SECURITIES LITIGATION" and the files of these consolidated actions shall be maintained in one master file under Master File No. 08-CV-3528 (LAP). Any other related individual or class actions now pending or hereafter filed in this District shall be consolidated as part of the In Re Oppenheimer Holdings Inc. Auction Rate Securities Litigation action as and when they are brought to the attention of the Court.

3. Henceforth, every pleading or other such document in these consolidated actions, which ordinarily contains a pleading caption, shall bear the following caption:

IN RE OPPENHEIMER HOLDINGS INC.
AUCTION RATE SECURITIES LITIGATION

Master File No. 08-CV-3528 (LAP)

4. A Master Docket and Master File are hereby established for these consolidated proceedings. The clerk shall file all pleadings or papers in the Master File and note such filing in the Master Docket. No further copies need to be filed or docket entries made.

5. Having considered the provisions of Section 21D (a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), it is hereby ordered that the Grossman Group is the "most adequate plaintiff" and satisfies the requirements of the Exchange Act. The Court hereby appoints the Grossman Group as Lead Plaintiff in this action.

6. Movants have selected and retained the law firms of Stull, Stull & Brody and Weiss & Lurie as Co-lead Counsel. Pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78U-4(A)(3)(B), as amended by Section 101(a) of the PSLRA, the Court approves Lead Plaintiff's retention of counsel and appoints Stull, Stull & Brody and Weiss & Lurie as Co-lead Counsel in this action.

SO ORDERED THIS _____ day of _____, 2008:

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Jason D'Agnenica, hereby certify that on June 10, 2008, I filed and served the foregoing document with the Clerk of the Court via CM/ECF in accordance with the Federal Rules of Civil Procedure and the Southern District's Rules on Electronic Service upon the following counsel of record in the action:

Scott Arthur Eggers
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Dated: June 10, 2008

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